

Rule 82. Clerk's Office and Orders by the Clerk

(a) Business Hours and Address. The office of the clerk shall be open between 8:30 a.m. and 5:00 p.m. on all days except Saturdays, Sundays, and legal holidays,* at:

Office of the Clerk of the Court
United States Court of International Trade
One Federal Plaza
New York, New York 10278-0001
(212) 264-2800

(b) Motions, Orders and Judgments. The clerk may dispose of the following types of motions and sign the following types of orders and judgments without submission to the court, but the clerk's action may be suspended, altered or rescinded by the court for good cause shown:

(1) Motions on consent in unassigned cases extending the time within which to plead, move or respond.

(2) Motions on consent in unassigned cases for the discontinuance or dismissal of the action.

(3) Orders of dismissal upon notice as prescribed by Rules 41(a)(1) and 41(b)(3).

(4) Orders of dismissal for lack of prosecution as prescribed by Rules 83(c) and 85(d).

(5) Consent motions to intervene as of right made within the 30-day period provided in Rule 24(a).

(6) Orders of dismissal for failure to file a complaint as prescribed by Rule 13(i)(4).

(7) Orders of dismissal for failure to file a complaint as prescribed by Rule 41(b)(2).

(c) Clerk--Definition. The words "clerk" or "clerk of the court" as used in these rules include a deputy clerk designated by the clerk to perform services of the kind provided for in these rules.

(d) Filing of Papers. The clerk shall date-stamp any paper submitted for filing upon receipt, whether or not that paper is accepted for filing. In unassigned actions, the clerk shall not accept for

filing any paper which does not comply with the rules of the court unless such noncompliance is purely a matter of form. If the rejection of the paper may have jurisdictional consequences, that rejection shall be at the direction of the chief judge. In assigned actions, rejection by the clerk shall be at the direction of the judge to whom the action is assigned.

A party aggrieved by the clerk's refusal to accept a paper for filing may move to compel acceptance. If a paper initially rejected by the clerk later is accepted for filing, the date on which the paper initially was stamped shall be considered the date of filing, although the date may be subject to amendment pursuant to Rule 5(e).

PRACTICE COMMENT: Included among, but not limited to, the kinds of papers the clerk may refuse to accept for filing are: a reply to a response to a non-dispositive motion without leave of court; a pleading that is not accompanied by the appropriate filing fee; discovery documents presented contrary to Rule 5(d); papers not signed as required by Rule 11; papers presented by an attorney who is not the attorney of record; and, papers presented after the running of periods prescribed by the rules or orders of the court.

(As amended Nov. 4, 1981, eff. Jan. 1, 1982; Oct. 3, 1984, eff. Jan. 1, 1985; June 19, 1985, eff. Oct. 1, 1985; July 28, 1988, eff. Nov. 1, 1988; Sept. 25, 1992, eff. Jan. 1, 1993; Oct. 5, 1994, eff. Jan. 1, 1995; Nov. 29, 1995, eff. Mar. 31, 1996; Nov. 14, 1997, eff. Jan. 1, 1998.)

*As used in these rules, "legal holidays" include: New Year's Day, January 1; Martin Luther King's Birthday, third Monday in January; Washington's Birthday, third Monday in February; Memorial Day, last Monday in May; Independence Day, July 4; Labor Day, first Monday in September; Columbus Day, second Monday in October; Veterans Day, November 11; Thanksgiving Day, fourth Thursday in November; Christmas Day, December 25; and any other day designated as a holiday by the President or the Congress of the United States.